S.B. Criminal Misc. Bail Application No.6551/2006
Nathulal and others Vs. State of Rajasthan

Date Of Order :: 7.11.2006

Hon'ble Mr. Justice Jitendra Ray Goyal

Mr. Anoop Dhand, counsel for petitioners.
Mr. R.P. Kuldeep, Public Prosecutor for State.
Mr. Rajnish Gupta, counsel for complainant.

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Heard learned counsel for accused petitioners as well as complainant, learned Public Prosecutor for the State, perused the case diary and other material produced during the course of arguments.

It is contended on behalf of the accused petitioners that they have falsely been implicated in this matter. It is also contended that M/s. Laxmi Marble Granite Private Limited through its Manager and other partners wants to grab the land which was in the name of late Ramu by showing that Ramu died without leaving any heir. It is also submitted that on the information of Banshidhar who is son of deceased Ramu, the accused petitioner Nathulal protested against the proceedings which were initiated to allot the land to the complainant. It is also submitted that Banshidhar has also authorized the accused petitioner Nathulal by way of power of attorney. It is also submitted that deceased Ramu expired at Neem Ka Thana and therefore the accused petitioner Nathulal made a request to the competent authority to issue death certificate. It is also submitted on behalf of the accused petitioners Jhabarmal and Badri Prasad that they are the old persons and according to

their remembrance deceased Ramu expired in 'Kasba Chawani' and they have not committed any offence in any way. It is also submitted that still the land in dispute is in the name of deceased Ramu and the accused persons have not gained anything by obtaining succession certificate of the deceased Ramu.

Learned Public Prosecutor and counsel appearing for the complainant opposed the bail application and contended that daughter of deceased Ramu is also alive but deliberately her name has not been shown as successor of the deceased Ramu. It is also submitted that Ramu did not expire in 'Chawani' but false affidavits have been filed.

From the perusal of the case diary it appears that the complainant party also filed some affidavits showing the deceased Ramu expired without leaving any heir and made a request to allot his land to them for mining purposes. Nathulal has also moved an application for issuing the death certificate of deceased Ramu showing that he expired on 20/7/1963 in 'Chawani' Ward-10, Neem Ka Thana but it is not disputed that the land in dispute is still in the name of deceased Ramu.

Without making any observation on merits, having considered the rival submissions made at the bar, nature of accusation, material on record and all other facts and circumstances, I deem it proper to grant the benefit of pre-arrest bail to accused petitioners Nathulal, Jhabarmal and Badri Prasad.

In the result, the bail application is allowed and it is directed that in the event of arrest of petitioners Nathulal, Jhabarmal and Badri Prasad, they shall be released on bail by the concerned SHO/Investigating Officer in FIR No.169/2006 registered at Police Station Neem Ka Thana, District Sikar provided each of them furnishes a personal bond in the sum of Rs.10,000/- together with two sureties each in the sum of Rs.5,000/- to his satisfaction on the following conditions:-

1. that the petitioners shall make themselves available for interrogation by a police officer as and when required;
2. that the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or any police officer; and
3. that the petitioners shall not leave India without previous permission of the Court.

(J.R. Goyal),J.

VS Shekhawat/-
Jr.P.A.